

EXHIBIT D

Vigo Superior Court 2

STATE OF INDIANA
VIGO SUPERIOR COURT
2020 TERM

EARLENE LANNING
Plaintiff,

CAUSE NO. **84D02-2010-CT-005413**

vs.

CIRCLE K STORES INC
Defendant.

COMPLAINT FOR DAMAGES

COMES NOW the Plaintiff, Earlene Lanning, by counsel, Terry R. Modesitt, of Modesitt Law Firm, P.C., and for her complaint against the Defendant, Circle K Stores INC, alleges and says:

1. That Defendant Circle K is a Business Commercial Registered Agent in Indiana and owns property located at 1280 Lafayette Ave Terre Haute, Vigo County, State of Indiana.
2. That on or about October 4, 2019 Plaintiff, Earlene Lanning, was a business invitee upon the property of Defendant at said Circle K store located at 1280 Lafayette Ave, Terre Haute, IN, 47804, when as a result of the negligence of the Defendant, Plaintiff tripped and fell on parking lot while walking towards the store.
3. That the Defendant, Circle K Stores INC, negligently failed to maintain the parking lot in a safe condition for patrons.
4. That as a direct and proximate result of Defendant, Circle K Stores INC's negligence, the Plaintiff, Earlene Lanning, sustained physical injuries and incurred medical expenses, will incur future medical expenses, and has endured pain and suffering.

WHEREFORE, the Plaintiff prays the Court as follows:

1. Plaintiff, Earlene Lanning, prays for judgment against the Defendant in a sum sufficient to compensate her for physical injuries, present and future medical expenses, pain and suffering, and any and all other damages incurred.
2. Plaintiff further prays for the costs of this action and for all other just and proper relief in the premises.

Respectfully submitted,

/s/ Terry R. Modesitt

Terry R. Modesitt, #10118-84
MODESITT LAW FIRM, PC
401 Ohio Street
Terre Haute, IN 47807
(812) 234-3030; (812) 232-3232 (Fax)
Attorney for Plaintiff

REQUEST FOR TRIAL BY JURY

COMES NOW the Plaintiff, Earlene Lanning, by counsel, Terry R. Modesitt, and respectfully requests that the above cause of action be tried by jury in accordance with Rule 38 of the Indiana Rules of Trial Procedure.

Respectfully submitted,

/s/ Terry R. Modesitt

Terry R. Modesitt, #10118-84
MODESITT LAW FIRM, PC
401 Ohio Street
Terre Haute, IN 47807
(812) 234-3030; (812) 232-3232 (Fax)
Attorney for Plaintiff

STATE OF INDIANA
VIGO COUNTY SUPERIOR
TERM 2020

EARLENE LANNING,
PLAINTIFF

CAUSE NO: 84D02-2010-CT-005413

v.

MAC'S CONVENIENCE STORES, LLC
D/B/A CIRCLE K,
DEFENDANT

PLAINTIFF'S FIRST AMENDED COMPLAINT FOR DAMAGES

COMES NOW the Plaintiff, Earlene Lanning, by counsel, Terry R. Modesitt, of Modesitt Law Firm, P.C., and for her complaint against the Defendant Mac's Convenience Stores, LLC D/B/A Circle K, alleges and says:

Count I

1. That at all relevant times herein the Plaintiff, Earlene Lanning, was resident of Vigo County, Indiana.
2. Defendant, Mac's Convenience Stores, LLC D/B/A Circle K, at the time of the accident in question is located at 1280 Lafayette Avenue, Terre Haute, IN.
3. That on or about April 10, 2019, Plaintiff was a business invitee upon the property of the Defendant, Mac's Convenience Stores, LLC D/B/A Circle K, located at 1280 Lafayette Avenue, Terre Haute, IN 47804, when as a result of the negligence of the Defendant, Plaintiff tripped and fell in the parking lot while walking towards the store.
4. Defendant negligently failed to maintain the parking lot in a safe condition for patrons.
5. That as a direct and proximate result of Defendant's negligence, Plaintiff, Earlene Lanning, sustained physical injuries and incurred medical expenses, will incur future medical expenses, and has endured pain and suffering.

WHEREFORE, the Plaintiff prays the Court as follows:

1. Plaintiff prays for judgment against the Defendant in a sum sufficient to compensate her for present and future medical expenses and pain and suffering, loss of wages, and any and all other damages incurred.
2. Plaintiff further prays for the costs of this action and for all other just and proper relief in the premises.

Respectfully submitted,

/s/ Terry R. Modesitt

Terry R. Modesitt, #10118-84
MODESITT LAW FIRM, PC
401 Ohio Street
Terre Haute, IN 47807
(812) 234-3030; (812) 232-3232 (Fax)
Attorney for Plaintiff

REQUEST FOR TRIAL BY JURY

COMES NOW the Plaintiff, Earlene Lanning, by counsel, Terry R. Modesitt, and respectfully requests that the above cause of action be tried by jury in accordance with Rule 38 of the Indiana Rules of Trial Procedure.

Respectfully submitted,

/s/ Terry R. Modesitt

Attorney for Plaintiff

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on November 19, 2020 a copy of the foregoing Amended Complaint was filed electronically. The undersigned, attorney for the Plaintiff herein, certifies that a copy of the above and foregoing pleading was served electronically on the following:

Michelle L. Casper
SmithAmundsen LLC
150 North Michigan Avenue
Suite 3300
Chicago, IL 60601

Allison J. Smith
SmithAmundsen, LLC
201 North Illinois Street
Suite 1400

Indianapolis, IN 46204

/s/ Terry R. Modesitt